

REMARKS

Claims 53-79, 82-86, 88-99, and 105-115 were previously pending in this application. By this response, Applicant amends claims 68-71 and 73, cancels claims 53-67, 76-79, 82-86, 88-99, and 105-115, and adds new claims 116-118. As a result, claims 66-75, and 116-120 are pending with claims 68 and 73 being independent claims. No new matter is added.

Interview Summary

Initially, Applicant thanks the Examiner for the courtesies extended during a recent interview, during which independent claims 68 and 73 were discussed in view of US 3,842,840 (Schweizer). The subject matter of the interview is summarized throughout the remarks herein.

Independent Claim 68

Claims 68-70 and 72 stand rejected under 35 USC § 102(b) as being anticipated by Schweizer. Claim 71 stands rejected under 35 USC § 103(a) as being obvious in view of Schweizer. Applicant amends claim 68 to clarify distinctions over Schweizer. Claims 69-71 are also amended, and claims 116-120 are added.

As amended, claim 68 defines a suture wire supply cartridge that comprises, among other features, an elongated suture wire guide defining a guide pathway for delivering the suture wire from the cartridge. The guide pathway has a proximal portion that includes drive openings and a distal portion that includes a tube with delivery opening. Opposed side portions of the suture wire are exposed near the drive openings such that at least a portion of the drive mechanism contacts the opposed side portions of the suture wire when the cartridge is in the suturing instrument so that actuation of the drive mechanism draws suture wire from the holder and pushes the suture wire forward of the drive openings along the guide pathway through the tube and through the delivery opening.

In the device of Schweizer, as discussed during the interview, suture is pulled through a suture track 94 from a spool 70 of a cartridge by a needle 56 that moves through an opening near the distal end of the cartridge to engage the suture.

Nowhere does Schweizer show a guide pathway that has a proximal portion that includes drive openings or pushing suture wire forward of the drive openings along a guide pathway through a tube and through a delivery opening.

For at least the above reasons, the rejection of independent claim 68 and the claims depending therefrom are believed to be overcome. Accordingly, withdrawal of these rejection is respectfully requested.

Independent Claim 73

Claims 73-75 stand rejected under 35 USC § 103(a) as being obvious in view of Schweizer. Applicant respectfully traverses this rejection.

Claim 73 defines a suture wire supply cartridge that comprises, among other features, a guide tube defining a guide pathway for delivering suture wire from the cartridge. The guide tube conforms closely to the suture wire. A guide tube support is connected between a housing and the guide tube and has at least one opening positioned proximal to a distal end of the guide pathway and that exposes at least a portion of a side of suture wire that extends from the housing through the guide tube support. The at least one opening is adapted to receive at least a portion of a drive mechanism of the suturing instrument that engages the exposed portion of the suture wire to push the suture wire forward of the opening in the guide tube.

As discussed during the interview and above with respect to claim 68, Schweizer does not teach or disclose pushing suture wire forward in a guide tube, as now recited by claim 73. Moreover, as discussed in the interview, the feature of Schweizer that the Examiner has equated


with the claimed support is not in fact a part of a cartridge, but is instead a component of the suturing instrument, and in this respect, is another feature of claim 73 that is lacking in Schweizer.

For at least the above reasons, the rejection of independent claim 73 and the claims depending therefrom is believed to be overcome. Accordingly, withdrawal of this rejection is respectfully requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: March 17, 2008

Respectfully submitted,



Walt Norfleet
Registration No.: 52,078
WOLF, GREENFIELD & SACKS, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
(617) 646-8000